



July 15, 2013

Dear Chairman Kline and Ranking Member Miller:

The National Center for Learning Disabilities (NCLD) is writing to express our strong opposition to the Student Success Act (H.R. 5). The bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school, go to college and obtain employment. The bill virtually creates a system that reinforces rather than helping students become independent, educated, tax-paying citizens, they will most likely become tax burdens. While movement toward reauthorizing the Elementary and Secondary Education Act (ESEA) is much needed, the cost these bills will have on the educational and employment futures of students with disabilities, especially those with learning disabilities, is too high. Our first and primary area of concern is the lack of a strong and meaningful requirement to close the destructive achievement gaps that impact students with disabilities and other disadvantaged students. While ESEA is in significant need of reform, its provisions have compelled certain schools and districts to focus on increasing the achievement of students with disabilities. Unfortunately, these bills eliminate the provisions of ESEA that have benefited students with disabilities. Most troubling is the lack of academic performance targets and graduation goals for students and the lack of a requirement for targeted instructional supports when students are academically struggling.

The Student Success Act would also dramatically lower expectations for students with learning disabilities in three critical ways:

1) Allowing computer adaptive assessments that test students off grade level for summative and other purposes. Current practice in states utilizing adaptive testing show that while adaptive testing is a terrific tool to help teachers understand where learning gaps exist for formative purposes, when adaptive testing is allowed for end of year or summative testing, it can result in unacceptable consequences, including locking lower performing students into the simplest content. For example, a poorly engineered adaptive test risks testing lower performing students only on cognitively simpler skills such as recall, recognition and rote applications of mathematics. Furthermore, because the assessment may never test lower performing students on more difficult and/or cognitively complex items, it risks creating a situation that encourages teachers to limit the curriculum and instruction for lower performing students to the simplest tasks. Thus, teachers may avoid focusing on critical skills such as higher level problem solving and analysis. Similarly, a poorly designed adaptive test can deny students an opportunity to demonstrate their knowledge across the grade level content.

2) Eliminating the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of scores on less challenging assessments being given to students with disabilities. The bill allows schools to give the alternate assessment on alternate academic standards to *an unlimited number of students*. Under the bill, too many students with disabilities would be forced into an alternate curriculum

very early in their educational career, thus jeopardizing their ability to graduate high school with a regular diploma, enter career training or attend college.

3) Ignoring the literacy needs of millions of poor readers and writers at a time when these skills are integral to ensuring every young person can enter college or career training with the most basic reading and writing skills. Rather than ensure that there is dedicated funding for these critical skills, the bill consolidates numerous Federal education initiatives, endangering literacy and other key focuses designed to help struggling students. These shortcomings set back efforts to ensure disadvantaged students, including students with learning disabilities, receive instruction, intervention and support that will strengthen their opportunity to achieve academically.

In summary, the policies H.R. 5 advances would reverse the progress that has been made for students with learning disabilities over the past decade. For that reason, and on behalf of the 100,000 parents and children for which we advocate, we respectfully, but strongly, urge Committee Members to oppose the bill.

Sincerely,

James H. Wendorf
Executive Director
Cc: Members, Committee on Education and the Workforce

NCLD improves the lives of all people with learning difficulties and disabilities by empowering parents, enabling young adults, transforming schools, and creating policy and advocacy impact. Over 80,000 parents and teachers engage with us and rely on NCLD for information and resources. Since 1977, NCLD has been led by devoted parents and professionals committed to ensuring that policy is based on evidence-based research and practice.